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STATE OF IOWA
BOARD OF EDUCATIONAL EXAMINERS
Grimes State Office Building – 400 East 14th Street
Des Moines, Iowa 50319-0147

Minutes

May 5, 2005

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1 **STATE OF IOWA**
2 **BOARD OF EDUCATIONAL EXAMINERS**
3 **Grimes State Office Building – 400 East 14th Street**
4 **Des Moines, Iowa 50319-0147**

5
6 **Motions**

7
8 **May 5, 2005**
9
10

11 William Haigh moved, with a second by Ying Ying Chen, that the Board go into
12 closed session for the purposes of discussing whether to initiate licensee
13 disciplinary proceedings and discussing the decision to be rendered in a
14 contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f).

15 **MOTION CARRIED UNANIMOUSLY.**
16

17 Ying Ying Chen moved, with a second by William Haigh, that in **case number**
18 **04-23**, In the Matter of: Sidney L. Graham, the Board accept the Respondent's
19 waiver of hearing and voluntary surrender and that the Board issue an order
20 permanently revoking the Respondent's license with no possibility of
21 reinstatement. Roll call vote: Aboud – yes; Carter – yes; Seeland – yes;
22 Robinson – yes; Chen – yes; Henderson – yes; Haigh – yes; and Jeffrey – yes.

23 **MOTION CARRIED UNANIMOUSLY.**
24

25 William Haigh moved, with a second by Ying Ying Chen, that in **case number**
26 **04-17**, In the Matter of: John Thomas Fees, the Board acknowledge the local
27 settlement and withdrawal of the complaint submitted by the parties; and
28 dismiss the case without further proceedings. Roll call vote: Haigh – yes;
29 Henderson – yes; Chen – yes; Robinson – yes; Seeland – yes; Carter – yes;
30 Aboud – yes; and Jeffrey – yes. **MOTION CARRIED UNANIMOUSLY.**
31

32 Ying Ying Chen moved, with a second by William Haigh, that in **case number**
33 **04-22**, the Board find that the evidence gathered in the investigation, including
34 witness statements and the documentary evidence, does not corroborate the
35 allegations in the complaint, and that the Board therefore lacks probable cause

1 to proceed with this matter. Roll call vote: Aboud – yes; Carter – yes; Seeland –
2 yes; Robinson – yes; Chen – recuse; Henderson – yes; Haigh – yes; and Jeffrey –
3 yes. **MOTION CARRIED.**

4
5 William Haigh moved, with a second by Ying Ying Chen, that in case number
6 05-02, In the Matter of: Timothy L. McCloud, the Board find probable cause to
7 establish a violation of the following provision of the Code of Professional
8 Conduct and Ethics: 282 IAC 25.3(6)(d) and order this case set for hearing.

9 Roll call vote: Haigh – yes; Henderson – yes; Chen – yes; Robinson – yes;
10 Seeland – yes; Carter – yes; Aboud – yes; and Jeffrey – yes. **MOTION CARRIED**
11 **UNANIMOUSLY.**

12
13 Ying Ying Chen moved, with a second by William Haigh, that in case number
14 04-29, In the Matter of: Timothy J. Fienup, the Board extend the 180-day
15 deadline for issuance of the final decision, due to the need for additional time to
16 conduct a hearing, prepare a proposed decision, and review the proposed
17 decision by the Board. Roll call vote: Haigh – yes; Henderson – yes; Chen – yes;
18 Robinson – yes; Seeland – yes; Carter – yes; Aboud – yes; and Jeffrey – yes.
19 **MOTION CARRIED UNANIMOUSLY.**

20
21 Greg Robinson moved, with a second by Ying Ying Chen, to approve the March
22 31, 2005, minutes, as distributed. **MOTION CARRIED UNANIMOUSLY.**

23
24 John Aboud moved, with a second by Brian Carter, to file under Notice of
25 Intended Action, the proposed changes to Chapter 14 that would inaugurate a
26 penalty for failure to have appropriate licensure, with the following modification
27 to the descriptive clause: “if the practitioner holds a valid Iowa license but does
28 not hold an endorsement for the type of service for which the person is
29 employed.” **MOTION CARRIED UNANIMOUSLY.**

30
31 Jean Seeland moved, with a second by Brian Carter, that the Board allow initial
32 approval for one year, subject to the outlined conditions, for the NWISI

1 Consortium's application to be a licensure renewal program provider. **MOTION**
2 **CARRIED ON A VOICE VOTE.**

3
4 John Aboud moved, with a second by Jean Seeland, to accept as a First
5 Reading the proposed changes to the rules for a substitute teacher's license so
6 that those who completed a teacher education program in the past but never
7 applied for an Iowa teacher's license can obtain a substitute teacher's license
8 and be able to substitute while they are completing the requirements for full
9 licensure. In addition, an individual with an administrative license would be
10 able to substitute teach while holding the administrator license. **MOTION**
11 **CARRIED UNANIMOUSLY.**

12
13 John Aboud moved, with a second by Brian Carter, to instruct the BoEE
14 Executive Director to make all of the cuts possible at this time given the
15 budgetary concerns and constraints. **MOTION CARRIED UNANIMOUSLY.**

1 **STATE OF IOWA**
2 **BOARD OF EDUCATIONAL EXAMINERS**
3 **Grimes State Office Building – 400 East 14th Street**
4 **Des Moines, Iowa 50319-0147**

5
6 **Minutes**
7 **May 5, 2005**
8

9 The Board of Educational Examiners held its monthly meeting on May 5, 2005.
10 Board Chair Judy Jeffrey called the meeting to order at 8:32 a.m. Members
11 attending were John Aboud, Brian Carter, Ying Ying Chen, William Haigh,
12 Jeffrey Henderson, Judy Jeffrey, Greg Robinson and Jean Seeland. Also in
13 attendance were Dr. George Maurer, Executive Director of the Board; Jeanie
14 Vaudt, Assistant Attorney General and legal counsel to the Board; Barbara
15 Hendrickson, Board Secretary; and other visitors. Thomas Paulsen, Beverly
16 Smith, Jacqueline Wellborn and Assistant Attorney General and legal counsel to
17 the Board Christie Scase were unable to attend the meeting. Mr. Carter joined
18 the afternoon session at 12:42 p.m., and Mr. Haigh left at 1:12 p.m.

19
20 Board Chair Judy Jeffrey welcomed the newest board member, Jeffrey
21 Henderson, associate superintendent of schools of the Archdiocese of Dubuque.

22
23 William Haigh moved, with a second by Ying Ying Chen, that the Board go into
24 closed session for the purposes of discussing whether to initiate licensee
25 disciplinary proceedings and discussing the decision to be rendered in a
26 contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f).

27 **MOTION CARRIED UNANIMOUSLY.**

28
29 The Board reconvened into open session at 9:18 a.m.

30
31 Ying Ying Chen moved, with a second by William Haigh, that in **case number**
32 **04-23**, In the Matter of: Sidney L. Graham, the Board accept the Respondent's
33 waiver of hearing and voluntary surrender and that the Board issue an order

1 permanently revoking the Respondent's license with no possibility of
2 reinstatement. Roll call vote: Aboud – yes; Carter – yes; Seeland – yes;
3 Robinson – yes; Chen – yes; Henderson – yes; Haigh – yes; and Jeffrey – yes.

4 **MOTION CARRIED UNANIMOUSLY.**

5
6 William Haigh moved, with a second by Ying Ying Chen, that in **case number**
7 **04-17**, In the Matter of: John Thomas Fees, the Board acknowledge the local
8 settlement and withdrawal of the complaint submitted by the parties; and
9 dismiss the case without further proceedings. Roll call vote: Haigh – yes;
10 Henderson – yes; Chen – yes; Robinson – yes; Seeland – yes; Carter – yes;
11 Aboud – yes; and Jeffrey – yes. **MOTION CARRIED UNANIMOUSLY.**

12
13 Ying Ying Chen moved, with a second by William Haigh, that in **case number**
14 **04-22**, the Board find that the evidence gathered in the investigation, including
15 witness statements and the documentary evidence, does not corroborate the
16 allegations in the complaint, and that the Board therefore lacks probable cause
17 to proceed with this matter. Roll call vote: Aboud – yes; Carter – yes; Seeland –
18 yes; Robinson – yes; Chen – recuse; Henderson – yes; Haigh – yes; and Jeffrey –
19 yes. **MOTION CARRIED.**

20
21 William Haigh moved, with a second by Ying Ying Chen, that in **case number**
22 **05-02**, In the Matter of: Timothy L. McCloud, the Board find probable cause to
23 establish a violation of the following provision of the Code of Professional
24 Conduct and Ethics: 282 IAC 25.3(6)(d) and order this case set for hearing.
25 Roll call vote: Haigh – yes; Henderson – yes; Chen – yes; Robinson – yes;
26 Seeland – yes; Carter – yes; Aboud – yes; and Jeffrey – yes. **MOTION CARRIED**
27 **UNANIMOUSLY.**

28
29 Ying Ying Chen moved, with a second by William Haigh, that in **case number**
30 **04-29**, In the Matter of: Timothy J. Fienup, the Board extend the 180-day
31 deadline for issuance of the final decision, due to the need for additional time to
32 conduct a hearing, prepare a proposed decision, and review the proposed
33 decision by the Board. Roll call vote: Haigh – yes; Henderson – yes; Chen – yes;

1 Robinson – yes; Seeland – yes; Carter – yes; Aboud – yes; and Jeffrey – yes.

2 **MOTION CARRIED UNANIMOUSLY.**

3
4 Greg Robinson moved, with a second by Ying Ying Chen, to approve the March
5 31, 2005, minutes, as distributed. **MOTION CARRIED UNANIMOUSLY.**

6
7 Several board members addressed their colleagues on a number of different
8 matters:

- 9 1) John Aboud said he had a problem logging onto the Board's new Online
10 Licensing Application system by keying in directly the URL site indicated in
11 the *Des Moines Register*. Executive Director Dr. George Maurer suggested to
12 the media representative present that the newspaper instead give the
13 Board's website address and instruct readers to click on the link to teacher
14 license information.
- 15 2) Members talked about putting National Board Certification recognition on
16 the website of each recipient's licensure record. Recipients are listed on the
17 Department of Education (DE) website, and board members thought a link
18 from the website of the Board of Educational Examiners (BoEE) to the DE
19 site would suffice, at least for the time being. Jean Seeland recommended,
20 nevertheless, that the Board send a congratulatory letter to recipients to
21 recognize their achievement.
- 22 3) Changing appropriate "two-up/two-down" endorsements to K-8 or 5-12 will
23 be a board retreat topic.
- 24 4) In response to a question from Ying Ying Chen, Executive Director Dr.
25 George Maurer said that that there have been at most two dozen online
26 renewals since program inception and that the big problem with renewing
27 online is that applicants must still submit hard copy of materials.
- 28 5) At a meeting that Ms. Seeland recently attended in Cedar Falls, she
29 encouraged the area education agencies (AEAs), when planning programs
30 next year for first- and second-year mentoring and induction teachers, to
31 include sessions on ethics and licensure, and she volunteered board
32 members' time to give presentations. Ms. Seeland also attended a National
33 Education Association (NEA) meeting in Washington, D.C., that was billed

1 as a strategy meeting for members who serve on state licensing boards.
2 Presenters spoke about teacher licensure and quality teaching. Ms. Seeland
3 distributed a handout listing licensure challenges that were raised in the
4 conversation. She said that whenever she attends national meetings on
5 education, she always appreciates what is happening in Iowa, a state that
6 does not face some of the significant problems that other states do, such as
7 a variety of alternative route programs, low standards, inconsistencies in
8 testing, minority recruitment, funding, etc. Having traveled with Jan
9 Reinicke of the Iowa State Education Association (ISEA), Ms. Seeland said
10 that she believes that ISEA has an interest in working with the Board on
11 some of the issues listed on the handout.

12 6) Ms. Chen has been involved with the Iowa Leadership Partnership, funded
13 by the Wallace Foundation, in the last year or two. At a recent gathering,
14 representatives reviewed and updated the progress of the leadership
15 development program, with its emphasis on the quality development of
16 leaders and use of the Iowa standards for school leaders. She said it is
17 important to know what is essential in leadership vs. what one thinks it is
18 important to do. An academy for leaders is in the works, designed for
19 appearance in the summer of 2006. No matter what the delivery system,
20 consistent standards, research, and structure in the process throughout the
21 state will assure similar training.

22 7) Mr. Aboud said the Iowa Music Educators Association, the Iowa Arts
23 Alliance and the DE are trying to address issues with the music teacher
24 mentorship. The people who need mentorship are in situations in which
25 there is no one in the music field available to help them on the local level.

26 8) Board Chair and DE Director Judy Jeffrey had several items of interest:
27 A. The DE, the BoEE, the community colleges and the higher education
28 institutions worked closely to submit a teacher quality enhancement
29 grant, which has been awarded in the amount of \$6.2 million over three
30 years. The goals of the grant are to: (1) get stronger linkages between
31 the DE and the content areas within the preparation institutions to make
32 sure that teachers are being adequately prepared in content; (2) put
33 together a data management system that will track graduates from the

1 teacher preparation institutions into the world of work, with a feedback
2 mechanism to the institutions so that a better and common data
3 management system will be in place across all the institutions; and (3)
4 look at shortage areas, especially at the English Language Learner (ELL)
5 population and at the middle school component. The objective is to
6 better prepare teachers who deal with children whose first language is
7 not English, and to discover content and strategies that might work with
8 middle school students. A yearly conference will bring stakeholders
9 together with a common focus.

10 B. The DE will try again under the educator quality legislation to provide
11 policy guidance for mentoring and induction programs for new
12 administrators, individual professional development plans and
13 evaluation against the Iowa standards.

14 C. The DE Director has completed over 85 visits around the state in recent
15 months, in contact with 340 school districts about increasing graduation
16 requirements. Licensure issues have arisen in conversation, which
17 appear to be barriers to an increase in rigor in the high schools. District
18 officials request flexibility in how they raise the standards in
19 mathematics and science.

20 D. The U. S. Department of Education (USDE) released a preliminary report
21 of a monitoring visit in January on Title II part A, the portion of the No
22 Child Left Behind (NCLB) Act that speaks to highly qualified teachers and
23 to testing all teachers. Representatives of the Iowa DE are refuting what
24 they believe are errors on which the USDE has cited the Iowa DE. In
25 addition, Iowa staff members have until the first part of June to submit
26 what they believe will bring Iowa into compliance under areas that have
27 been properly cited. The USDE, for example, has brought up the issue of
28 evaluating elementary teachers to see if they are competent in reading,
29 mathematics and writing. The Iowa DE and teacher preparation
30 institutions are working on a way to achieve compliance through
31 determination of a common rubric or measure that will go across those
32 content areas. Representatives of higher education hope to have an
33 across-institution evaluation method in place by fall, whereby the

1 proficiency of new elementary teachers will be adequately assessed. Ms.
2 Jeffrey expressed significant displeasure that the USDE released the
3 report to the press before the USDE was aware that the electronic copy it
4 had sent to the Iowa DE had been returned via e-mail as not having been
5 delivered.

6 E. Ms. Jeffrey asked board members if they were hearing concerns from the
7 field about teachers of special education and the recent guidance that
8 the DE has issued for highly qualified teachers in special education. Ms.
9 Chen and Brian Carter gave positive feedback on the consultative model.

10

11 Board Chair Judy Jeffrey asked if there were any public comments. There were
12 none.

13

14 Executive Director Dr. George Maurer reported briefly on a number of matters:

- 15 1) Since one of the two new board members was unable to attend, the
16 orientation planned for the May was postponed, probably to a time around
17 the retreat.
- 18 2) The new licensing system is in use. A list of prospective updates is
19 underway; execution awaits financial resources when they become available,
20 sometime after June 30.
- 21 3) The legislative bills affecting the Board's finances are still under discussion.
22 Of the Board's fees, the House bill still allows the Board 73% and the
23 General Fund 27%, with 10% maximum carryover and any amount over
24 that to the General Fund, effective July 1, 2005. The current Senate bill
25 now allows the Board 80% and the General Fund 20%, with 10% maximum
26 carryover and any amount over that to the General Fund, effective July 1,
27 2005. Either method would garner more funds than the complicated
28 formula now in place.
- 29 4) The Board's preferred method of noting a letter of reprimand or suspension
30 on a licensee's website record will be a board retreat agenda item. Input
31 from the educational constituent groups will be solicited.
- 32 5) July 1 is time for the Executive Director's evaluation. Board Chair Judy
33 Jeffrey explained to the Board how the procedure would be handled.

1 6) The two new board members will each have a mentor from among the
2 veteran board members. Ying Ying Chen will partner with Jeffrey
3 Henderson, and Jean Seeland with Beverly Smith.
4

5 Since the Board was ahead of schedule and no one was yet in attendance
6 representing the group next on the agenda, the Board postponed that
7 discussion.
8

9 The Board began consideration of rules. John Aboud moved, with a second by
10 Brian Carter, to file under Notice of Intended Action, the proposed changes to
11 Chapter 14 that would inaugurate a penalty for failure to have appropriate
12 licensure, with the following modification to the descriptive clause: "if the
13 practitioner holds a valid Iowa license but does not hold an endorsement for the
14 type of service for which the person is employed." **MOTION CARRIED**
15 **UNANIMOUSLY.**
16

17 Monte Montgomery, Superintendent of Clay Central-Everly CSD, and Shirley
18 Johnson, Northwest Iowa School Improvement (NWISI) Consortium School
19 Improvement Consultant, made a presentation to the Board on the group's
20 application to become a licensure renewal program. The consortium is trying to
21 find a better way to provide professional development for staff. The
22 representatives explained to the Board reasons for the move and the school
23 districts' commitment to the project. The application met the timelines and
24 criteria established by the Board for initial approval. Executive Director Dr.
25 George Maurer recommended that the application be approved for one year, with
26 stated conditions to be met by May 1, 2006. Jean Seeland moved, with a second
27 by Brian Carter, that the Board allow initial approval for one year, subject to the
28 outlined conditions, for the NWISI Consortium's application to be a licensure
29 renewal program provider. **MOTION CARRIED ON A VOICE VOTE.** Board
30 Member Greg Robinson asked that response be made to correspondence from
31 Prairie Lakes AEA, which had been submitted for consideration with the
32 consortium's request.

1 The Board recessed from 10:57 a.m. to 11:13 p.m.

2
3 The Board looked briefly at rules to provide a means for out-of-state applicants
4 to demonstrate an equivalent assessment similar to the multiple measures used
5 by in-state teacher preparation programs, but postponed action at this point in
6 the meeting.

7
8 At the previous board meeting, the Board had contemplated the possibility of
9 expanding the eligibility of the Board office to initiate complaints. Board
10 members now directed Executive Director Dr. George Maurer to establish a
11 stakeholder committee to solicit input regarding amendments to the list of who
12 may initiate a complaint. The Board agreed that discussion would include 1)
13 the Department of Education addressing an issue found during a compliance
14 audit; 2) a student 18 years or older who was involved in the violation; 3) the
15 Executive Director when information has been received that a practitioner has
16 not reported a Chapter 102 violation, a termination or resignation that is
17 addressed in statute or rule, or a violation of the mandatory reporting areas
18 covered in Chapter 25; and 4) any other situations that the Board should
19 consider. Dr. Maurer will report those recommendations to the Board no later
20 than the September board meeting.

21
22 Individuals who completed a teacher education program in the past but never
23 applied for an Iowa teacher's license have to meet current requirements when
24 they do apply for a license. The list of deficiencies can be short if the program
25 was completed just a few years ago or extensive if the program was completed
26 over 10 years ago. John Aboud moved, with a second by Jean Seeland, to
27 accept as a First Reading the proposed changes to the rules for a substitute
28 teacher's license so that those who completed a teacher education program in
29 the past but never applied for an Iowa teacher's license can obtain a substitute
30 teacher's license and be able to substitute while they are completing the
31 requirements for full licensure. In addition, an individual with an
32 administrative license would be able to substitute teach while holding the
33 administrator license. **MOTION CARRIED UNANIMOUSLY.**

1 The Board recessed for lunch at 11:46 a.m. and reconvened at 12:35 p.m.

2
3 The Board returned to the topic of possible changes in rule to meet NCLB for
4 out-of-state applicants by providing a means for said applicants to demonstrate
5 an equivalent assessment similar to the multiple measures used by Iowa in-
6 state teacher preparation programs. Administrative Consultant Susan Fischer
7 provided the Board with guidance in current rules. Board members grappled
8 with the issue at length. Ms. Fischer understood the following to be the Board's
9 consensus and would re-draft the proposed rules accordingly: 1) Veteran
10 teachers who hold a license from the state in which they completed their
11 teacher preparation may come in under Iowa's exchange agreement. 2) Non-
12 veteran teachers who do not hold a license from the state in which they
13 completed their teacher preparation would take content and pedagogy tests,
14 meeting an Iowa cut score if the test is taken in Iowa or the state cut score if
15 the test is taken in the state in which they completed their teacher preparation.
16 3) Applicants for the Class A license, who completed their teacher preparation
17 program out-of-state and have not passed a qualifying test, have one year in
18 which they can teach in Iowa while attempting to pass the qualifying test.
19 Given the necessary re-draft of proposed rules, the Board deferred action on
20 this topic.

21
22 Executive Director Dr. George Maurer briefed the Board on a budget update.
23 By June 30, 2005, there is a projected shortfall of 5,000 applications, compared
24 with last year, and a deficit of over \$62,000. Some cost-cutting measures have
25 already been taken. Board members speculated on reasons for the significant
26 decline in the number of renewal applications. The number of graduates
27 projected for next year is also down. Dr. Maurer said that a good faith effort is
28 necessary, and he made several recommendations to trim costs further: 1)
29 move the board retreat into the new fiscal year; 2) request mileage
30 reimbursement for staff members who are asked to make on-site presentations;
31 3) manage internally the work of the investigator in the interim (following
32 resignation of the Board's investigator April 1 and short-term use of part-time
33 temporary help); 4) notify the Attorney General's office that bills for services will

1 not be paid; 5) eliminate the toll-free 800 number; and 6) reduce printing costs.
2 Dr. Maurer estimated additional savings of \$25,000-\$30,000 thereby. The DE
3 will research other potential ways to help the Board out. John Aboud moved,
4 with a second by Brian Carter, to instruct the BoEE Executive Director to make
5 all of the cuts possible at this time given the budgetary concerns and
6 constraints. **MOTION CARRIED UNANIMOUSLY.**

7

8 The Board decided to hold no regular board meeting in June, but to have a
9 conference call meeting on June 21, should the need arise for Board action.

10 The board retreat was rescheduled to July 28-29.

11

12 There being no further business, Board Chair Judy Jeffrey adjourned the
13 meeting at 1:51 p.m.